

Galmor's/G&G Steam Service, Inc. The defendants, Galmor Family Limited Partnership and Galmor Management, L.L.C., oppose the motion.

Upon consideration of the pleadings and briefs filed in support of the respective parties' positions, the proffered summary judgment evidence, and the arguments of counsel, the Court concludes that the motion must be denied.

Through the affidavit of Stephen Galmor, the Trustee has presented a factual basis for his claims for breach of contract, money had and received, and quantum meruit. The Court thus need not determine the admissibility of the other forms of evidence submitted by the Trustee. The Galmor Defendants, however, have submitted evidence which brings the credibility of Stephen Galmor into question and raises genuine issues of material fact for each of the Trustee's claims. Because the Court cannot determine issues of credibility nor decide genuine issues of material fact at the summary judgment stage, the Court must deny the Trustee's motion for summary judgment. It is, therefore,

ORDERED that the Trustee's motion for partial summary judgment is denied.

End of Order